

**WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE**  
**STAFF REPORT AND RECOMMENDATION**  
**CONDITIONAL USE AND SITE PLAN/PLAN OF OPERATION**

**DATE:** October 15, 2020

**FILE NO:** CU47 and SP114

**OWNER:** Mindy and Brian Becker  
W383 N8595 Blue River Pass  
Oconomowoc, WI 53066

**TAX KEY NO.:** OCOT 0461.049

**LOCATION:**

The subject property is described as Lot 8, Blue River Reserve, located in part of the NE ¼ of Section 8, T8N, R17E, Town of Oconomowoc. More specifically, the property is located at the Blue River Pass address cited above, containing approximately 1.35 acres.

**ZONING CLASSIFICATION:**

R-1 Residential District.

**EXISTING LAND USE:**

Single-family residence.

**PROPOSED REQUEST:**

Utilize a portion of proposed accessory building for a hair salon (Limited Family Business).

**PUBLIC HEARING DATE:** September 21, 2020

**PUBLIC REACTION:** At the public hearing, several neighbors spoke in favor of the proposed request.

**TOWN PLAN COMMISSION ACTION:**

On October 5, 2020, the Town Plan Commission unanimously voted to approve the request, subject to a number of conditions.

**COMPLIANCE WITH THE COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY AND THE TOWN OF OCONOMOWOC LAND USE PLAN:**

The County Plan designates the property in the Rural Density and Other Agricultural Lands category. In the Town Land Use Plan the parcel is in the Five Acre Agricultural Category. Those respective County and Town plan categories envision conditional uses that are deemed compatible with surrounding uses. This proposal conforms with both plans.

**STAFF ANALYSIS:**

The subject property is approximately 1.3 acres in size and is a lot in the Blue River Reserve subdivision, established in 2003. One of the owner-occupants of the property is a hair stylist who is seeking conditional use authorization to use approximately 30% of a proposed 26' x 40' accessory building as a hair salon with customer bathroom. The remainder of the accessory building would be used for personal storage. A proposed site plan is attached as Exhibit A and building plans are attached as Exhibit B.

The building would be constructed on an existing driveway slab and would be 24.6' to the northern lot line at its closest point. The customer entrance would be on the southern exposure and shielded from the nearest common lot line.

The business will consist of haircuts, styling and hair coloring for both men and women. The salon will only have one salon chair and a shampooing/rinsing station, which contains a chair and a washing basin. Therefore, only one client will be onsite at a time. Hair care products will be available onsite and offered for sale to clients.

The business will only have one (1) employee (the owner). Days of operation will average four (4) days per week, noted as Monday, Tuesday, Wednesday and Friday on the application. Tentative hours of operation are currently proposed to be 7:30 am to 7:30 pm on Monday and Wednesday and 7:30 am to 3:00 pm on Tuesday and Friday. According to the Town Planners report, the business may be operated on other days of the week for special occasions, such as a wedding.

Customers would utilize driveway parking and would be directed to not park on the road. The salon would have a dedicated entrance separate from the entrance to access the part of the garage to be used for personal storage. No signage is proposed.

In accordance with the Waukesha County Shoreland and Floodland Protection Ordinance, a Limited Family Business must meet the following minimum requirements summarized below:

- A. All employees, except one full-time equivalent, shall be members of the family residing on the premises.
- B. The limited family business is restricted to a service oriented business as defined in this Ordinance and is prohibited from manufacturing or assembling products.
- C. The conditional use permit shall restrict the number and types of machinery and equipment the limited family business operator may be allowed to bring onto the premises and whether the machinery and equipment must be stored inside a Building.
- D. The structures used in the limited family business shall be considered to be residential Accessory Buildings and shall meet all the requirements for such Buildings. The design and size of the structures are subject to conditions in the conditional use permit.
- E. The conditional use permit shall automatically expire and terminate on the sale of the property or its transfer to a non-occupant of the property.
- F. The limited family business shall not operate on a parcel having less than the minimum parcel size for the District in which it is located. For certain uses which are determined by the town and county to have a potential adverse affect on adjacent residential zoned properties, additional requirements regarding location and site standards (i.e. screening) may be required as conditions of the use. ***It should be noted that this parcel meets the R-1 Residential District minimum lot size requirements.***

**STAFF RECOMMENDATION:**

The Planning and Zoning Division staff recommends **approval** of this request in accordance with the Town of Oconomowoc's recommendations as modified below (modifications or additions to the Town's conditions are in **bold** and deletions are identified in a strikethrough format):

1. The Limited Family Business shall be limited to a hair salon in the detached accessory building as indicated at the joint public hearing on September 21, 2020. Any expansion of said use shall be subject to an amendment to the Conditional Use Permit and, if said amendment is denied, the Conditional Use Permit would either terminate or the expansion could not take place. Any use not specifically listed in this memo as permitted shall be considered to be prohibited, except as may be otherwise specifically provided herein. In case of question as to the classification of use, the question shall be submitted to the Town of Oconomowoc Plan Commission ~~or~~ **and Waukesha County Planning and Zoning Staff** for determination.
2. A detailed interior floor plan shall be submitted to the Town Planner and Waukesha County **Planning and Zoning Division** Staff for review and approval prior to issuance of any permits.
3. All employees, except one full-time equivalent, shall be members of the family residing on the premises.
4. Adequate off-street parking shall be provided and maintained as required by the Waukesha County Shoreland and Floodland Protection Ordinance.
5. The Applicant is required and must have all plans current and approved by the Town of Oconomowoc Plan Commission **and Waukesha County Planning and Zoning Division. Additionally, all plans shall** ~~and~~ be on file with **the Waukesha County Planning and Zoning Division.** The Applicant shall be entitled to petition the Town Plan Commission **and Waukesha County Planning and Zoning Division** for approval of any amendment and/or change to any plan contemplated herein, subject to the **and Waukesha County Planning and Zoning Division and Town** Plan Commission's approval and without a public hearing, if such amendment and/or change are not a substantial change from the original plan as approved and as allowed herein. Any amendment or change in any plan contemplated herein that the Plan Commission for the Town of Oconomowoc or Waukesha County **Planning and Zoning Division Staff** feels to be substantial, will require a new permit and all Town and County procedures in place at the time shall be followed.
6. Documentation shall be submitted to the Town Planner that Western Lakes Fire District has inspected the building for compliance with all local fire codes, prior to occupancy.
7. Documentation shall be submitted to the Town Planner that the Town of Oconomowoc Building Inspector has inspected the building for compliance with all building codes, prior to occupancy.

8. Subject to the Waukesha County Department of Parks and Land Use, Environmental Health Division reviewing and approving a **Preliminary Site Evaluation (PSE)**, in order to use the existing septic system and well for the proposed use prior to the issuance of a Conditional Use Permit. *A PSE was approved on August 13, 2020.*
9. Subject to all laws, ordinances, regulations and rules of the State, County, Town and USA.
10. Subject to the owners approving in writing the issuance of this Conditional Use Permit and the owner acknowledging in writing that they have received a copy of this Conditional Use Permit, that they understand and accept the same, and that upon failure to satisfy the conditions precedent the issuance of the Conditional Use Permit, this approval is void and in the same is deemed to not have been approved, and the petitioner will therefore need to re-commence the application process.
11. Subject to the Town Plan Commission **and Waukesha County Planning and Zoning Division Staff** having the right to review the Conditional Use Permit at any time for any reason. In the event that the use of the property is not in substantial compliance with all terms of this conditional use or the conditions of the neighborhood changes, then, in that event, the Town of Oconomowoc Plan Commission or the Waukesha County **Planning and Zoning Division Staff** ~~Department of Parks and Land Use staff~~ may add additional conditions or modify the conditions stated herein, in order to obtain compliance with said conditions stated herein. If said property remains in non-compliance for a substantial period of time, as determined by the Town Plan Commission **and/or Waukesha County Planning and Zoning Division Staff**, then the Town **and/or Waukesha County Planning and Zoning Division Staff** may proceed with termination of the Conditional Use as set forth in the Waukesha County Shoreland and Floodland Protection Ordinance.
12. Documentation shall be submitted to the Town Planner that all required local, county, state and federal licenses and permits have been obtained.
13. The Conditional Use shall automatically expire and terminate on the sale of the property or its transfer to a non-occupant of the property.
14. The applicant shall allow the premises to be available for inspection by the Town of Oconomowoc and Waukesha County officials at any reasonable time and upon reasonable notice.
15. All activities on the subject property herein may not in anyway become a nuisance by reason of appearance, noise, dust, smoke, illumination, odor or any other similar factor.
16. The Town **and/or Waukesha County** reserves the right to review any condition imposed as part of this Conditional Use if said use becomes a problem in the area. The Town Plan Commission **and/or Waukesha County** may modify, change, delete, add, etc. any conditions, which they feel may be reasonable in order to allow this use and ensure it does not become detrimental to the surrounding area without the necessity of having a public hearing. Any major change, as determined by the Town Plan Commission and Waukesha County shall follow the Conditional Use procedure of the Waukesha County Zoning Ordinance.

17. Petitioner shall, on demand, reimburse the Town of Oconomowoc for all costs and expenses of any type that the Town incurs in connection with this conditional use permit, including the cost of professional services incurred by the Town of Oconomowoc (including engineering, legal, planning and other consulting fees) and for the review and preparation of the conditional use permit or attendance at meetings or related professional services for this application, as well as for any actions that the Town of Oconomowoc is required to take to enforce the conditions in this conditional use permit due to a violation of these Petitioner shall, on demand, reimburse the Town of Oconomowoc for all costs and expenses of any type that the Town incurs in connection with this conditional use permit, including the cost of professional services incurred by the Town of Oconomowoc (including engineering, legal, planning conditions. All fees due and owing at the time shall be paid prior to the issuance of the conditional use permit, and such fees coming due following the issuance of the conditional use permit shall be paid within thirty (30) days of billing. ***This condition is enforceable by the Town only.***
18. Payment of Charges. Any unpaid bills owed to the Town by the Subject Property Owner or his or her tenants, operators or occupants, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permit fees or any other fees owed to the Town; shall be placed upon the tax roll for the Subject Property if not paid within thirty (30) days of the billing by the Town, pursuant to Section 66.0627, Wisconsin Statutes. Such unpaid bills also constitute a breach of the requirements of this conditional approval that is subject to all remedies available to the Town, including possible cause for termination of the conditional approval. ***This condition is enforceable by the Town only.***

Approval of this request, as conditioned, will provide a predominantly residential and agricultural area with a personal service not available in the immediate vicinity. The limited hours of operation, low intensity type of service oriented business and ample on-site parking should not have an adverse impact on the surrounding area and broader community.

Respectfully submitted,

*Benjamin Greenberg*

Ben Greenberg  
Senior Land Use Specialist

Attachments: Exhibits A and B

RECEIVED  
AUG 07 2020  
DEPT OF PARKS & LAND USE

# PLAT OF SURVEY

BEING ALL OF LOT 8 OF BLUE RIVER RESERVE, LOCATED IN THE NW 1/4 AND SW 1/4 OF THE NE 1/4 OF SECTION 8, T.8N., R.17E., TOWN OF OCONOMOWOC, WAUKESHA COUNTY, WI.

## SURVEYOR

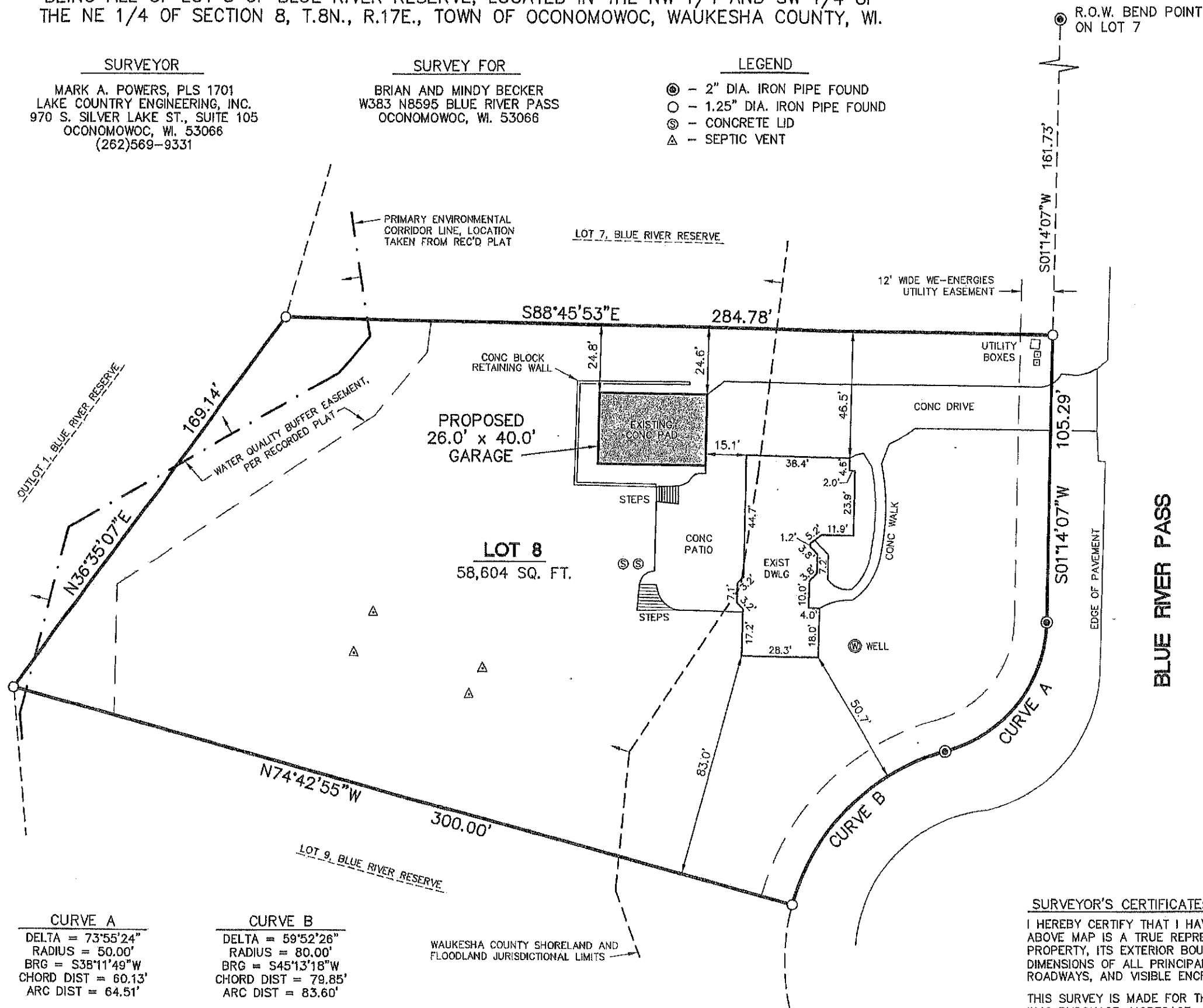
MARK A. POWERS, PLS 1701  
LAKE COUNTRY ENGINEERING, INC.  
970 S. SILVER LAKE ST., SUITE 105  
OCONOMOWOC, WI. 53066  
(262)569-9331

## SURVEY FOR

BRIAN AND MINDY BECKER  
W383 N8595 BLUE RIVER PASS  
OCONOMOWOC, WI. 53066

## LEGEND

- ⊙ - 2" DIA. IRON PIPE FOUND
- - 1.25" DIA. IRON PIPE FOUND
- ⊗ - CONCRETE LID
- △ - SEPTIC VENT



SCALE : 1" = 40'  
0 20 40 60 80 100  
BEARINGS REFERENCED TO THE RECORDED PLAT

NOTE : THE SURVEY FIELD WORK WAS COMPLETED ON 4-26-2020



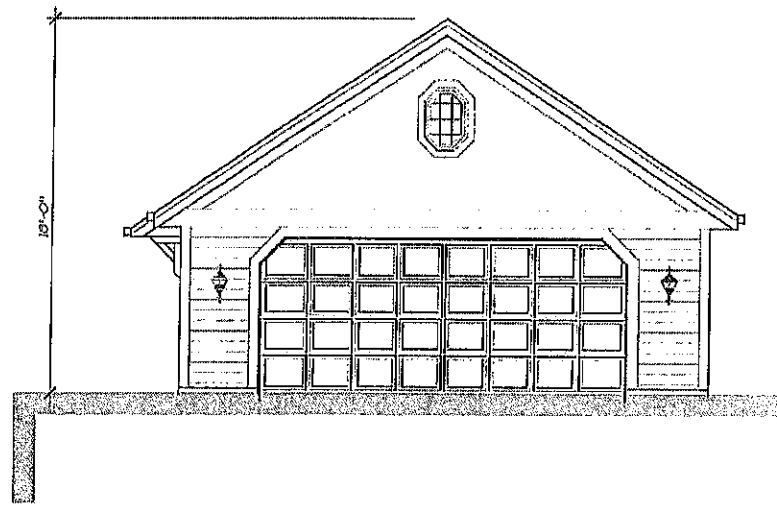
Mark A. Powers  
April 28, 2020

## SURVEYOR'S CERTIFICATE:

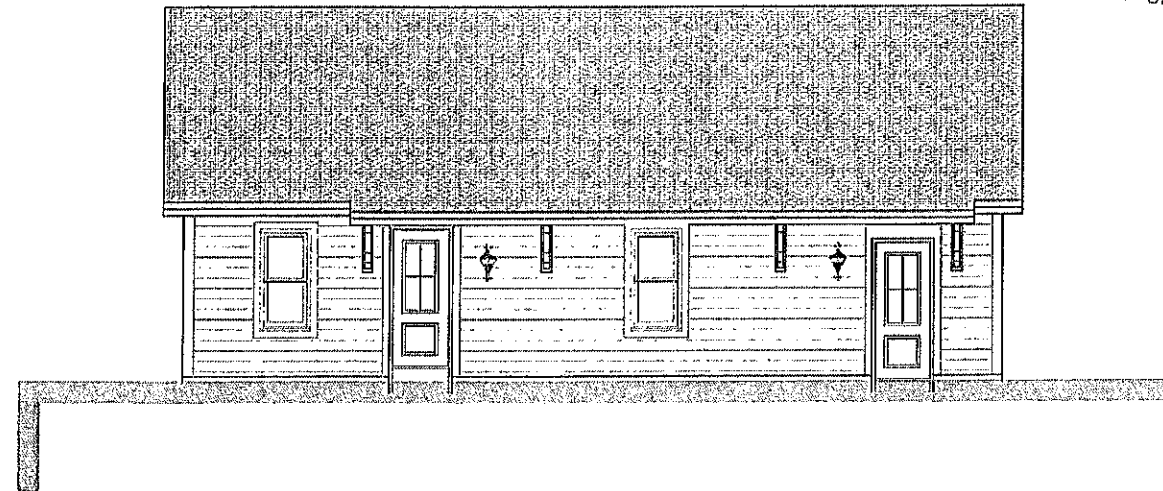
I HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THAT THE ABOVE MAP IS A TRUE REPRESENTATION THEREOF AND SHOWS THE SIZE AND LOCATION OF THE PROPERTY, ITS EXTERIOR BOUNDARIES, THE LOCATION OF ALL VISIBLE STRUCTURES AND DIMENSIONS OF ALL PRINCIPAL BUILDINGS THEREON, BOUNDARY FENCES, APPARENT EASEMENTS, ROADWAYS, AND VISIBLE ENCROACHMENTS, IF ANY.

THIS SURVEY IS MADE FOR THE USE OF THE PRESENT OWNERS OF THE PROPERTY, AND ALSO THOSE WHO PURCHASE, MORTGAGE, OR GUARANTEE THE TITLE THERETO WITHIN ONE (1) YEAR FROM DATE HEREOF.

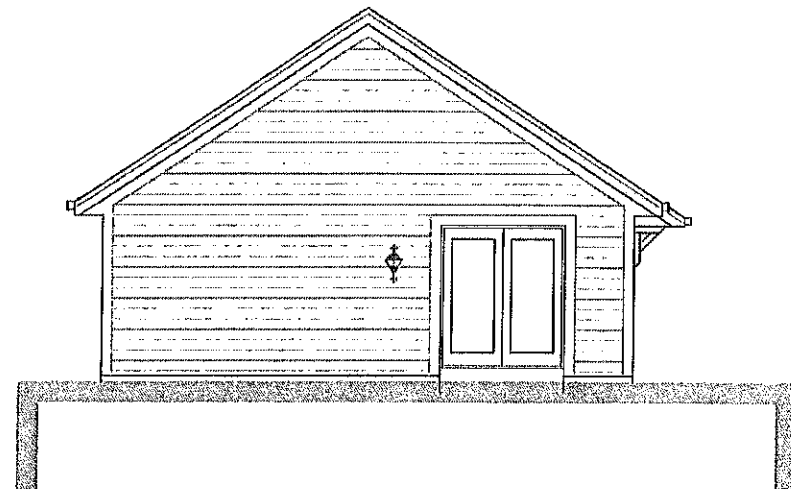
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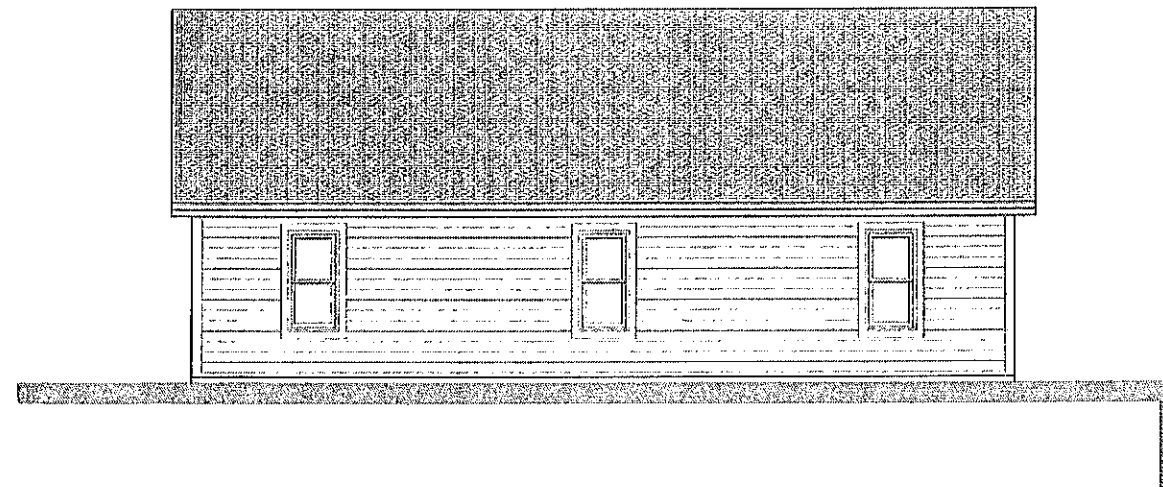
EAST ELEVATION  
SCALE 1/4" = 1' - 0"



SOUTH ELEVATION  
SCALE 1/4" = 1' - 0"



WEST ELEVATION  
SCALE 1/4" = 1' - 0"



NORTH ELEVATION  
SCALE 1/4" = 1' - 0"

THE BECKER FAMILY

PROPOSED GARAGE FOR  
1035 NOBBS BLUE RIVER PASS  
OCONOMOWOC, WI

ALONG

M-B-H  
1560 N 7557 THOMAS DRIVE  
OCONOMOWOC WI 53038  
(262) - 521 - 2090  
ARCHITECTS

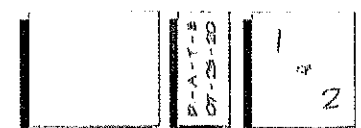
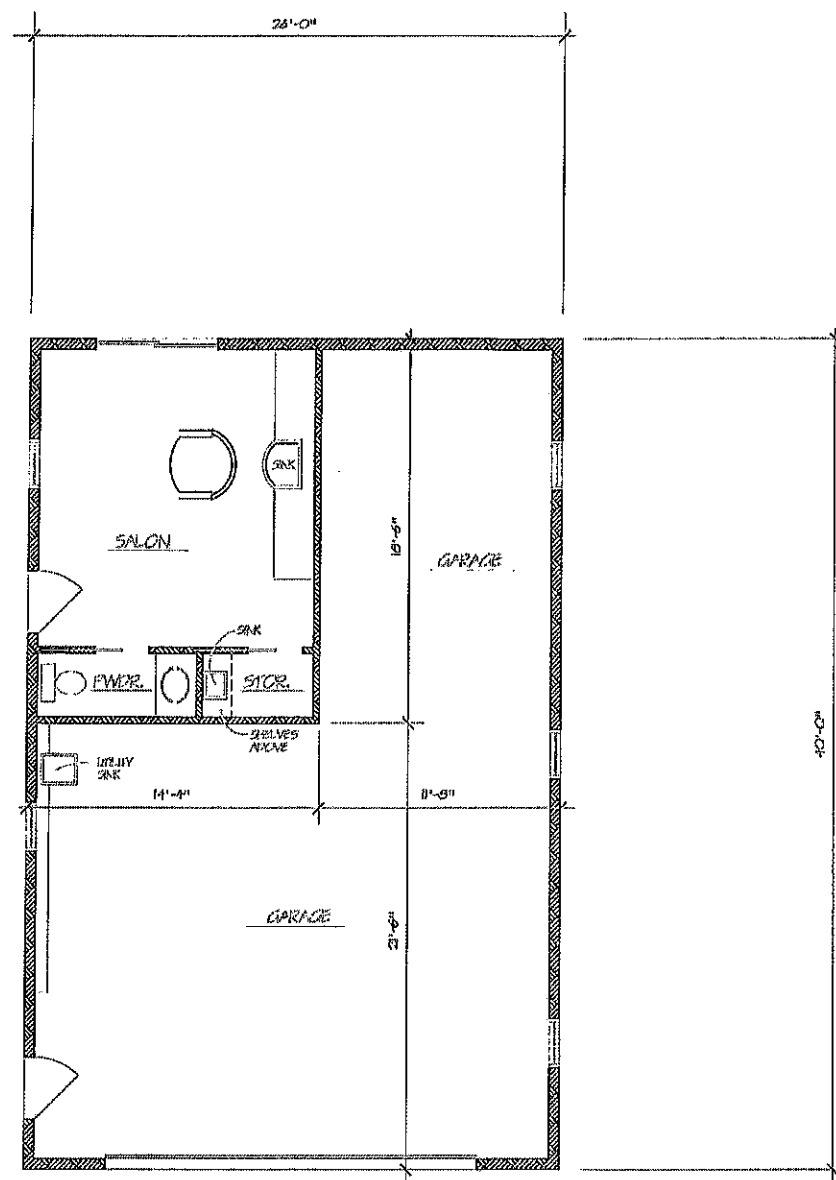


EXHIBIT B

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FIRST FLOOR PLAN

SCALE 1/4" = 1' - 0"

1,040 SQ. FT. TOTAL STRUCTURE AREA  
263 SQ. FT. SALON AREA  
777 SQ. FT. GARAGE AREA

THE BECKER FAMILY

WISS NESS BLUE RIVER PASS  
OCONOMOC, WI

M-B-H

WISSON7557 THOMAS DRIVE  
OCONOMOC WI 53086  
(262) - 521 - 2090

ARCHITECTS

D-A-T-E  
07-08-20

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or

2